

transfer, the court has conducted an abbreviated and independent review in an abundance of caution to determine whether such transfer is proper. Plaintiff has shown the court that this action could have been filed in any federal district in North Carolina under Title VII, that she had intended to file in it in the Eastern District of North Carolina where the defendants are domiciled, but that due to a misunderstanding concerning the limitations of an ECF registration in this district, counsel was unable to file the Complaint in the Eastern District of North Carolina. Thus, plaintiff properly filed this action in the Western District of North Carolina.

Transfer is governed by 28, United States Code, Section 1404(a), which provides as follows:

For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.

28 U.S.C. § 1404(a). The factors pertinent to determination of appropriate venue in this district are set forth in Jim Crockett Promotions, Inc. v. Action Media Group, Inc., 751 F. Supp. 93 (W.D.N.C 1990). In that decision, the court established a litany of considerations applicable to any motion to transfer. This motion does not, however, fit neatly into the decision making analysis provided in Jim Crockett Promotions, Inc., supra, for two reasons: first, plaintiff is moving to transfer from the venue she selected; and two, the party that is seeking transfer selected the forum. It appears, however, that

the Eastern District of North Carolina, which appears to be the home of the individual defendant and Peace College, is the most appropriate forum for this litigation. Based on the allegations of the Complaint, it appears to the court that the alleged actions which underlay this dispute likely occurred in Raleigh, and that the Eastern District would have a greater interest in the resolution of this dispute, that the bulk of witnesses and evidence would be located in that district, and that such a forum would be most convenient for defendants.

Having considered plaintiff's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that

- (1) defendants Motion for Extension of Time to Answer or Plead (#6) is **GRANTED**, and defendants are allowed up to and inclusive of October 16, 2007, to so Answer or otherwise respond to the Complaint; and
- (2) plaintiff's Motion to Transfer (#2) is **GRANTED**, and this action is, respectfully, **TRANSFERRED** to the United States District Court for the Eastern District of North Carolina.

Signed: September 5, 2007

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

